



IN REPLY REFER TO:

United States Department of the Interior

Bureau of Indian Education
New Mexico Navajo Central Agency
Crownpoint Community School
P.O. Box 178
Crownpoint, New Mexico 87313



Letter of Appeal - Request for Review CC Docket No. 02-6

Attn: Marlene H. Dorch, Secretary
Federal Communications Commission
Office of the Secretary
9300 East Hampton Dr
Capitol Heights, MD 20743

Decision Document: Administrator's Decision on Appeal 5/13/2014
Funding Year: 12 (2009 -2010)
BEN: 99166
471 #: 692249
FRN: 1898716
SPIN: CamNet, Inc. 143017447

Entity Information:

Crownpoint Community School
PO BOX 178
Crownpoint, NM 87313
Contact: Rudy Thompson
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Administrator's Decision on Appeal – Funding Year 2009-2010:

FCC Rules related to the payment of support for discounted services establish deadlines for service providers to deliver services/products to the applicant. The FCC provides an extension of this deadline under certain conditions. Those conditions are documented in the Reference area on the USAC website. (See Service Delivery Extensions for more information.). In accordance with FCC Report and Order (FCC 01 -195) released on June 29, 2001, in order to provide additional time to implement contracts or agreements with service providers for non-recurring services, applicants must submit documentation to the Administrator requesting relief on or before the original non-recurring services deadline.

Your appeal has not brought forth clear information establishing that application for relief was made prior to this deadline. Therefore, your appeal is denied.

Appeal Reason:

This is a letter to request an appeal of the Implementation Extension Denial for the FRN 1898716. The school has been trying everything in our ability to keep this FRN alive through a confusing and convoluted process involving a change of personnel, a SPIN change, numerous USAC inquiries, and an ongoing Special Compliance Review and all the accompanying deadline and extension requests. It appears that in the process we missed a crucial Implementation Extension deadline and we are requesting that the FCC take into consideration our intention as evidenced by the volume of our effort, and the urgent need for this funding which is now 5 years in waiting, to grant our request for an Implementation Deadline Extension.

- The school believed we had submitted the required documents to extend all the required deadlines by submitting the Form 500 on 9/15/2011.
- USAC has already agreed to waive the expired Invoicing deadline and has granted the approval of our Invoice Extension Appeal.
- The implementation of non-recurring services was delayed by circumstances beyond our current service provider's control. The FRN has been under a Special Compliance review by USAC due to our previous vendor involvement with the originating 470. We were told on numerous phone calls not to continue use of this FRN until it was cleared by USAC. We still have not received an audit decision from USAC.
- Therefore, since the school believed that they had submitted all the required extension documents via the Form 500, and we have been unable to use this funding until the pending review from USAC has been completed, we did not know there was a need to file an Implementation Extension request letter until after the deadline had expired.

We respectfully request that the FCC, in view of the urgent need for this funding for our school, and in view of the particular extenuating circumstances for delay in implementing this project, please allow the approval of the Implementation Deadline Extension for this funding request.

OVERVIEW:

FRN 1898716 was approved 12/15/2009. During this time we quickly realized that our original vendor was not someone we wanted to work with due to actions from them and one of our former employees (For details – see Enclosure 1) Our school made efforts to find a new vendor and a new Erate Representative that would meet all of our needs for the following reasons:

- There existed confusion with this application because it was made on behalf of our school by a former federal employee, who did not communicate with the school and caused disruption between the school and the original vendor.
- Former Vendor was caught in an impropriety with another school and was also under cost review for this school.
- Vendor was removed and action was spun with recommendation from the Bureau of Indian Education and Bureau of Indian Affairs.
- We selected CamNet Inc as our new vendor.

Our school began USAC's procedures to SPIN to a new vendor. On 6/9/2010 USAC recognized our SPIN for FRN 1898716 to CamNet.

- We selected this vendor because they were willing to work with our schedule and spread the work out into phases in order to allow us time to build up the 10% payments for each phase.
- They had a good standing with the BIA & BIE.
- They provided work on two separate jobs for us during the summer of 2010 and again the summer of 2011.

Following this decision the school elected to hire me, Rudy Thompson, to fill the position of our school's Erate representative on 8/9/2010. In taking on this position there was a lot of information and history to the 2009 – 2010 Erate funding as well as forms and processes to keep this funding alive. This is a very large amount of committed funding that is very important and critical to the needs of our school. As we were unable to put together the entire 10%, considering the large amount of funding approved, we knew it would be critical to extend this contract.

- On 9/15/2011 we followed USAC's procedures to extend this funding with a Form 500.
- On 9/23/2011 we received notice that our request was approved and thought we had completed all the necessary paperwork.
- As we were under the impression that in 2011 our items were in good order we continued with the plan to work in phases based on our ability to prepare the next 10% payment.

On 9/11/2012 we received notification from USAC's Special Compliance department stating that we were going to be denied funding due to actions taken by NACR and our previous Erate representative.

- We immediately canceled the next phase of work with CamNet and have been awaiting a decision from USAC's Special Compliance Department.
- Although we were notified of actions taken by our previous vendor after the filing of our Form 470, were unaware of what they and our previous Erate Representative at the time the Form 470 had been filed for the 2009 – 2010 school year.
- Although it appears the funding was never withdrawn or denied, we were advised not to use the funds due to the financial liability falling on our school should the funding be denied.
- The Bureau of Indian Affairs drafted a response on our behalf because we were part of an E-rate pilot project capable of allowing us to receive extensive service support for E-rate from a dedicated team. The response was submitted 9/18/2012 (For details – see Enclosure 1 & Enclosure 2).
- We have been working diligently to submit proper paperwork and answer all that has been required of us in order to keep this critical funding open.

Over a year later the Special Compliance Review was still going on and we wanted to be sure to preserve this funding and again submitted paperwork again to extend FRN 1898716. We were advised that we would have to do separate letters for the Invoice Extension Deadline as well as the Implementation Extension Deadline beyond the Form 500. This seemed like an excessive new process considering the first time we filed for it we were under the impression that the Form 500 was to extend all aspects of an FRN. We completed all three documents this time and filed them on 11/7/2013.

- On 2/14/2014 we received the *Administrator's Decision on Implementation Extension Request*

stating denial of our Invoice Extension Request & the Implementation Extension Request.

- After some research we realized there was a clerical error on our part that we missed adding in the Implementation Extension Request and the Invoice Extension Request letters as well in 2011.
 - We thought we were completely compliant as the Contract Expiration Extension was approved at that time.

It is extremely confusing to have multiple and different ways to file for all the extensions for just one FRN. It does not make sense that we would only want to extend some items but not others especially when the Form 500 is already 6 pages long and each other item is a different extension letter. This was definitely a mistake as we know we need this funding and are keeping it for each project phase our school is in need of. If there was a possibility that USAC had one form that would allow for clear options to extend out all three critical items for one FRN we are sure that this mistake would not have occurred.

On 4/15/2014 we appealed the Invoice Extension Deadline Denial as well as the Implementation Extension Deadline with USAC on 4/15/2014.

- On 5/13/14 we were notified that the Invoice Extension Request Appeal was approved much to our relief and appreciation.
- Also on 5/13/2014 we were notified that the Implementation Deadline Extension was denied.
 - Again, we find this very confusing and inconsistent because we were allowed recognition of need in the case of Invoice Extension Deadline.
 - Due to waiting for a response on the audit we are not able to use this FRN until we receive notification it is clean and available to our school.
 - The delay is out of our vendor's control.
 - The clerical error on our part that the original letters were not sent with our Form 500 filed on 9/15/2011;
 - Why is this accepted in the case of the Invoice Extension Request but not allow us the Implementation Extension Deadline which is critical to use the Invoice Extension & Contract with our vendor.

CONCLUSION:

This was a particularly large IC approval for our school. It was approved on the basis of our needs and is extremely vital funding to our school. Unfortunately, it is impossible for us to use these funds until USAC has completed their Special Compliance Audit and we have been notified in writing that these funds are clean and un-tainted. We hope the FCC will find in our favor as our supporting documentation shows that the school was unaware of actions taken by our previous vendor and Erate Representative who are no longer employed by the school. Also, as our Contract Deadline Extension Request & Invoice Extension Deadline Request have both been approved, we ask that you please allow us to utilize this funding and grant the Implementation Extension Request. We need all three vital dates extended as they are required for us to do anything with this funding. Our need has been recognized by USAC as they have granted us two of the three. We ask that you reconsider the Implementation Extension denial as this has been a very difficult and confusing process. We have put forth the effort to keep the funding open so that we are able utilize these critical funds should USAC notify us that this FRN is not tainted by our previous vendors actions.

Enclosures:

- 1) Compliance Response from School – filename: 20120912 - Crownpoint 2009 PI – Response.pdf
- 2) Compliance Response Signature Page – filename: 20120918 - Crownpoint Response - Signature Page.pdf

Thank you for your time and consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Rudy Thompson', is written over the word 'Sincerely,'.

Rudy Thompson
Technology Coordinator
Crownpoint Community School